

House Study Bill 44 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act establishing a parole procedure for certain persons
2 serving a class "A" felony sentence.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 902.1, Code 2011, is amended to read as
2 follows:

3 **902.1 Class "A" felony.**

4 1. Upon a plea of guilty, a verdict of guilty, or a special
5 verdict upon which a judgment of conviction of a class "A"
6 felony may be rendered, the court shall enter a judgment of
7 conviction and shall commit the defendant into the custody of
8 the director of the Iowa department of corrections for the rest
9 of the defendant's life. Nothing in the Iowa corrections code
10 pertaining to deferred judgment, deferred sentence, suspended
11 sentence, or reconsideration of sentence applies to a class "A"
12 felony, and a person convicted of a class "A" felony shall not
13 be released on parole unless the governor commutes the sentence
14 to a term of years.

15 2. a. Notwithstanding subsection 1, a person convicted
16 of a class "A" felony, and who was a child under the age
17 of eighteen at the time the offense was committed shall be
18 eligible for parole after serving a minimum term of confinement
19 of twenty-five years.

20 b. If a person is paroled pursuant to this subsection the
21 person shall be subject to the same set of procedures set out
22 in chapters 901B, 905, 906, and chapter 908, and rules adopted
23 under those chapters for persons on parole.

24 c. A person convicted of murder in the first degree in
25 violation of section 707.2 shall not be eligible for parole
26 pursuant to this subsection.

27 EXPLANATION

28 This bill establishes a parole procedure for certain persons
29 serving a class "A" felony.

30 The bill provides that a person serving a class "A" felony,
31 other than a person convicted of murder in the first degree,
32 who was under 18 years of age when the offense was committed is
33 eligible for parole after serving a minimum term of confinement
34 of 25 years.

35 The bill applies to the following class "A" felonies:

1 conspiracy to manufacture for delivery, delivery, or intent to
2 deliver amphetamine or methamphetamine to a minor in violation
3 of Code section 124.401D; sexual abuse in the first degree in
4 violation of Code section 709.2; kidnapping in the first degree
5 in violation of Code section 710.2; and enhanced penalties for
6 sexual abuse and lascivious acts with a child in violation of
7 Code section 902.14.

8 If a person is paroled pursuant to the bill, the person
9 shall be subject to the same set of procedures set out in Code
10 chapters 901B, 905, 906, and 908, and rules adopted under those
11 Code chapters for persons on parole. The parole status of a
12 person paroled pursuant to the bill may be revoked and the
13 original sentence imposed under the procedures of Code chapter
14 908. The paroled person may also be discharged early from
15 parole pursuant to Code section 906.15.

16 Code section 903A.5 does not apply to reduce the mandatory
17 minimum sentence of 25 years established by the bill.

18 The bill also does not apply to enhanced life sentences in
19 Code chapter 901A (sexually predatory offenses).